

Summaries of Passed Bills Affecting Political Subdivisions 2004 General Session

H.B. 23 Joint Transportation Planning

Amendments (Rep. R. Lockhart)

This bill modifies the Transportation Code to amend the Department of Transportation administration provisions.

This bill:

- ▶ defines a metropolitan planning organization;
- ▶ requires the Department of Transportation to cooperate with metropolitan planning organizations for transportation planning and project programming;
- ▶ requires that the department cooperate with metropolitan planning organizations with contiguous boundaries, if those organizations have:
 - coordinated transportation plans and improvement programs; and
 - submitted joint comprehensive, integrated transportation plans to the department; and
- ▶ provides that the governor and local units of government may redesignate or realign metropolitan planning organizations if the governor and the affected local units of government jointly determine that metropolitan planning organizations have failed to cooperate and submit joint transportation plans.

H.B. 36 Management, Enhancement, and Funding of 911 System (Rep. B. Dee)

This bill imposes a fee on wireless and land-based telephones to create a statewide unified emergency 911 system capable of geographically locating a wireless telephone user's location in an emergency.

This bill:

- ▶ creates a 13 cent per month state fee on telephone services for unified statewide E-911 emergency services;
- ▶ provides for the administration, collection, and enforcement of telephone E-911 emergency fees by the State Tax Commission;
- ▶ deposits the telephone fees into a restricted

account in the General Fund for unified statewide E-911 emergency services;

- ▶ repeals the advisory Utah 911 Committee in the Bureau of Communications in the Department of Public Safety;
- ▶ creates a new state Utah 911 Committee in the Department of Public Safety to develop state standards for the unified E-911 emergency system and to administer the fund;
- ▶ establishes criteria for the use of the fund to ensure implementation of land-based and wireless E-911;
- ▶ requires the Utah 911 Committee to report annually to the Executive Appropriations Committee;
- ▶ authorizes local governments to increase the local levy on telephone services for 911 emergency services from a maximum of 53 cents per month to a maximum of 65 cents per month;
- ▶ allows exchange carriers some cost recovery for implementing Phase I technology and collecting and administering the levy;
- ▶ reduces the 13 cent state E-911 emergency service fee in 2006 to eight cents;
- ▶ sunsets the state imposed fee on July 1, 2011; and
- ▶ makes technical changes.

This bill appropriates for fiscal year 2004-05:

- ▶ \$3.9 million from the Statewide Unified E-911 Emergency Service Fund to the Utah 911 Committee; and
- ▶ \$250,000 from the Statewide Unified E-911 Emergency Service Fund to the Automated Geographic Reference Center in the Division of Information Technology Services.

H.B. 56 Local Government Collection for Service Charges (Rep. S. Mascaro)

This bill modifies provisions related to municipal and special and local district charges for water and sewer services.

This bill:

- ▶ prohibits special districts and local districts from:
 - refusing to furnish water or sewer service to property based on an arrearage from a previous owner, absent a valid lien; and
 - collecting from the current owner a previous owner's arrearage for water or sewer service provided to the property before the current owner's ownership, absent a valid lien;
- ▶ authorizes municipalities, special districts, and local districts providing sewer service to:
 - required a written application for service; and
 - discontinue providing service if the property owner fails to pay for the service;
- ▶ authorizes special districts and local districts to:
 - certify amounts owing for water or sewer service as a lien on the property of the customer who received the service, with certain limitations;
 - file a civil action to recover past due fees for water or sewer service and related charges and to offer not to file a civil action if the customer pays past due fees, collection costs, certain damages, and an attorney fee; and
 - impose collection costs on a customer who has not paid water or sewer service fees; and
- ▶ authorizes a municipality to discontinue sewer service to a property whose owner fails to pay for the service;
- ▶ prohibits a municipality from:
 - refusing sewer service to property based on an arrearage from a previous owner; and
 - collecting from the current owner a previous owner's arrearage for sewer service provided to the property before the current owner's ownership.

H.B. 64 Amendments to Local Option Sales Tax
(Rep. S. Allen)

This bill modifies Revenue and Taxation provisions related to a local option sales tax for funding recreational and zoological facilities and botanical, cultural, and zoological organizations.

This bill:

- ▶ extends to cities and towns in second class counties the authority to impose a sales tax for

funding recreational and zoological facilities and botanical, cultural, and zoological organizations;

- ▶ extends from five to eight years the period for which the sales tax may be levied;
- ▶ requires each election for voter approval of the sales tax to take place at a regular general election or municipal general election; and
- ▶ limits a county from imposing a similar county option sales tax within municipalities that have already imposed the sales tax.

H.B. 71 Water Conservation Plans (Rep. J. Buffmire)

This bill amends certain provisions related to water conservation plans.

This bill:

- ▶ provides for publishing of a report identifying entities who do not have a current water conservation plan;
- ▶ requires that water conservation plans contain existing and proposed water conservation measures;
- ▶ requires that water conservation plans contain a description of the extent to which a retail provider will use certain measures to achieve its conservation goals;
- ▶ requires that water conservation plans contain a clearly stated water use reduction goal and implementation plan for each conservation measure, including a timeline for action and an evaluation process to measure progress; and
- ▶ requires that the Board of Water Resources' report be presented to the Natural Resources, Agriculture, and Environment Interim Committee at its November 2004 meeting.

H.B. 88 State Land Use Management Plans (Rep. B. Johnson)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings when developing state policies, plans, and programs relating to federal lands and natural resources on federal lands.

This bill:

- ▶ establishes certain findings to be considered when

- developing state policies relating to federal lands and natural resources on federal lands; and
- ▶ establishes considerations for recognition of state and local interests in the federal land use management process.

H.B. 111 Local Government Amendments (Rep. W. Harper)

This bill modifies provisions relating to municipal and county government.

This bill:

- ▶ reduces the number of copies of an ordinance, code, or book relating to building or safety standards, municipal functions, administration, control, or regulations that a city clerk is required to maintain from three to one;
- ▶ eliminates provisions that specify the type of governing body that a city or town must have;
- ▶ eliminates some optional forms of municipal government and related provisions and makes conforming changes;
- ▶ modifies optional forms of municipal government and makes conforming changes;
- ▶ narrows the application of municipal moderate income housing plan requirements to cities;
- ▶ modifies the definition of moderate income housing for purposes of moderate income housing plan provisions;
- ▶ changes a requirement to update a moderate income housing plan from annual to biennial;
- ▶ prohibits the awarding of damages in an action seeking enforcement or claiming a violation of moderate income housing provisions and limits the type of relief that may be granted; and
- ▶ makes technical changes.

H.B. 116 Facilities with Regional Impact (Rep. R. Becker)

This bill modifies and enacts provisions relating to notice applicable to certain entities in first and second class counties.

This bill:

- ▶ modifies provisions relating to elements of a county or municipality's general plan;
- ▶ requires certain local government entities and

certain public utilities to provide notice before preparing or amending a general, long-range, or capital facilities plan;

- ▶ requires certain entities to provide notice of an intent to acquire real property if its intended use is inconsistent with local planning or zoning, unless the entity has previously provided notice of the property's general location; and
- ▶ requires certain entities to provide post-acquisition notice of the acquisition of real property, under certain circumstances.

H.B. 125 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (Rep. T. Kiser)

This bill amends the Sales and Use Tax Act.

This bill:

- ▶ amends the definition of "recreational facility" to include a "cultural facility" and defines the term "cultural facility"; and
- ▶ makes technical changes.

H.B. 131 Eminent Domain Amendments (Rep. B. Ferry)

This bill modifies provisions relating to eminent domain.

This bill:

- ▶ authorizes shareholders in a mutual stock water company to appear and defend in a condemnation action involving the taking of the company or company property; and
- ▶ adds to the amount of damages to be assessed in a condemnation action:
 - the value of water delivery system facilities damaged or impaired by the condemnation of water rights or a water delivery system; and
 - the value of crops on land that is condemned.

H.B. 142 Audit Requirements for Political Subdivisions (Rep. B. Ferry)

This bill modifies provisions relating to the state auditor's analysis of financial statements of political subdivisions, interlocal organizations, and other local entities.

This bill:

- ▶ codifies certain accounting term definitions;
- ▶ establishes four levels of accounting reports relating to political subdivisions, interlocal organizations, and other local entities;
- ▶ modifies the duties of the state auditor with regard to accounting reports;
- ▶ recodifies provisions of Title 51, Chapter 2 into a new chapter; and
- ▶ makes technical corrections.

H.B. 145 Approval Required for Disposal of

Radioactive Waste (Rep. S. Urquhart)

This bill requires legislative and gubernatorial approval before a radioactive waste facility may receive certain types or concentrations of radioactive waste and amends radioactive waste tax provisions.

This bill:

- ▶ defines terms related to the regulation of radioactive waste facilities;
- ▶ deletes certain outdated provisions relating to approval for radioactive waste facilities;
- ▶ amends certain approval requirements regarding radioactive waste facilities;
- ▶ requires the approval of the Legislature, governor, and local governing body responsible for planning and zoning before a radioactive waste facility may receive specified types or concentrations of radioactive wastes;
- ▶ modifies the gross receipts tax on certain types of mixed waste; and
- ▶ makes technical corrections.

H.B. 146 County Cooperative Agreements with State for Fire Protection (Rep. C. Butters)

This bill modifies a provision relating to cooperative agreements between a county and the Division of Forestry, Fire, and State Lands relating to fire protection.

This bill:

- ▶ requires a county, in order to be eligible to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands relating to fire protection, to:
 - adopt a wildland fire ordinance;

- require the county fire department or private provider to meet certain minimum standards; and
 - file a budget for fire suppression costs; and
- ▶ prevents counties that do not enter into a cooperative agreement with the division from being eligible for financial assistance from the division.

H.B. 147 Municipal Code Condemnation

Amendments (Rep. L. Christensen)

This bill modifies a provision relating to a municipality's purchase, lease, or condemnation of water and waterworks systems.

This bill:

- ▶ establishes a presumption of the value of property in a condemnation proceeding involving the taking of water, a waterworks system, water supply, or connected property; and
- ▶ prohibits the section amended by this bill from being construed to allow a municipality to condemn a political subdivision or its property.

H.B. 162 Municipal Election Amendments (Rep. J. Dougall)

This bill authorizes certain third, fourth, and fifth class cities and towns to impose alternative requirements to be a candidate for municipal office and modifies provisions of the Utah Municipal Code relating to campaign finance disclosure requirements.

This bill:

- ▶ allows certain third, fourth, and fifth class cities and certain towns to require that candidates for municipal office file a nominating petition in addition to their declaration of candidacy in lieu of using the convention system;
- ▶ caps the number of signatures that those municipalities may require on the petition at 5% of registered voters;
- ▶ changes the signature requirements for nominating petitions in those third, fourth, and fifth class cities that have adopted that ordinance and in towns that have adopted that ordinance;
- ▶ repeals, reenacts, and modifies a provision relating to municipal campaign finance disclosure;
- ▶ eliminates certain exemptions from campaign

finance disclosure provisions and makes the requirements applicable to candidates in all municipalities;

- ▶ modifies reporting requirements;
- ▶ requires the municipal clerk to notify candidates of disclosure requirements and that the candidate's name will be removed from the ballot if the candidate does not file the required report; and
- ▶ makes technical corrections.

H.B. 215 Building Standards Amendments (Rep. J. S. Adams)

This bill modifies the Utah Uniform Building Standards Act.

This bill:

- ▶ requires the Division of Occupational and Professional Licensing to adopt certain construction codes for the state and its political subdivisions to follow under certain circumstances;
- ▶ repeals provisions related to the adoption of an energy conservation code by the State Building Board; and
- ▶ makes technical changes.

H.B. 225 Provision for Emergency Medical Services (Rep. P. Wallace)

This bill modifies the Municipal Code and the Health Code by amending provisions related to emergency medical services provided by municipalities.

This bill:

- ▶ requires a municipality that intends to annex a geographic service area and provide emergency medical services to that area to certify to the Department of Health that the municipality can meet current emergency medical service levels;
- ▶ requires the Department of Health to amend a municipality's license for emergency medical services to include the annexed area after final approval of the annexation; and
- ▶ makes technical amendments.

H.B. 229 Public Utility Easements (Rep. R. C. Webb)

This bill modifies the Public Utilities Code to enact provisions related to public utility easements.

This bill:

- ▶ enacts provisions governing:
 - the use of a public utility easement;
 - the use of property on which a public utility easement is located; and
 - the recording of a subdivision plat that includes a public utility easement.

H.B. 273 Tax and Charge Amendments (Rep. W. Harper)

This bill amends the Sales and Use Tax Act, provisions relating to a municipality's authority to levy a tax on taxable energy or a municipal telecommunications license tax, and provisions relating to a county's or municipality's authority to impose an emergency services telephone charge.

This bill:

- ▶ modifies the municipal energy sales and use tax and the municipal telecommunications license tax to coordinate those taxes with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes;
- ▶ amends tax penalty provisions including:
 - changing references to the term "vendor" to "seller";
 - clarifying that penalty provisions apply to a seller that fails to remit a tax, fee, or charge monthly; and
 - providing that a seller that fails to remit a tax, fee, or charge by electronic funds transfer is subject to penalties and may not retain the percentage of sales and use taxes that the seller could otherwise retain;
- ▶ provides, amends, and repeals state and local sales and use tax definitions;
- ▶ repeals obsolete language;
- ▶ provides that certain state sales and use tax revenues are required to be deposited into the Remote Sales Restricted Account;
- ▶ requires the Division of Finance to deposit any revenues in the Remote Sales Restricted Account as of July 1, 2004 into the General Fund;
- ▶ provides that the Remote Sales Restricted Account shall earn interest and that the interest shall be deposited into the account;
- ▶ modifies the sales and use tax exemption for

- prescription drugs;
- ▶ modifies the exempt sales that are required to be reported to the State Tax Commission;
- ▶ requires certain sellers that file a simplified electronic return with the commission to file a report with the commission, provides the information to be contained in the report, provides a due date for filing the report, provides a penalty for failing to file the report, and authorizes the State Tax Commission to waive, reduce, or compromise the penalty under certain circumstances;
- ▶ amends provisions relating to the collection, remittance, and payment of a tax by a seller;
- ▶ addresses the duties of a certified service provider and a model 1 seller;
- ▶ addresses the sales and use tax liability of a seller or certified service provider that relies on State Tax Commission information or certain systems in collecting and remitting sales and use taxes;
- ▶ requires certain sellers to file returns with the State Tax Commission electronically and to remit a tax, fee, or charge to the State Tax Commission electronically;
- ▶ modifies the amount that a seller required to file a return and remit a tax, fee, or charge to the State Tax Commission monthly may retain;
- ▶ requires the State Tax Commission to make a calculation and make distributions of state and local sales and use tax revenues to local taxing jurisdictions under certain circumstances;
- ▶ provides the circumstances under which a seller that has collected state or local sales and use taxes that exceed the amount of state or local sales and use taxes the seller is required to collect is presumed to have a reasonable business practice;
- ▶ provides for monetary allowances for sellers registered under the Streamlined Sales and Use Tax Agreement;
- ▶ grants rulemaking authority to the State Tax Commission;
- ▶ amends provisions relating to determining the location of certain transactions;
- ▶ amends provisions relating to the imposition of taxes on certain accommodations and services;
- ▶ repeals references to certain tax names;

- ▶ amends provisions relating to the enactment, repeal, or change in the rate of a tax or charge;
- ▶ addresses procedures for administering, collecting, and enforcing state and local sales and use taxes;
- ▶ addresses when a tax rate change in the motor vehicle rental tax takes effect;
- ▶ modifies the local sales and use tax for highways and public transit systems to be in compliance with the Streamlined Sales and Use Tax Agreement and to coordinate that tax with other state and local sales and use taxes;
- ▶ modifies the emergency services telephone charge to coordinate with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes; and
- ▶ makes technical changes.

H.B. 301 Voter Registration Amendments (Rep. M. Thompson)

This bill modifies requirements governing voter registration.

This bill:

- ▶ modifies the voter registration form and the driver license voter registration form to include a citizen affidavit and a notice of penalties for illegal registration;
- ▶ requires the county clerk to review the submitted voter registration forms and refer them to the county attorney if the clerk believes the applicant is seeking to register to vote illegally; and
- ▶ makes technical amendments.

H.C.R. 1 Resolution Urging Open Space along Jordan River Trail (Rep. T. Kiser)

This concurrent resolution of the Legislature and the Governor urges local government, state government, and private landowner action.

This resolution:

- ▶ urges local and state governmental entities and private landowners that own various portions of open space along the Jordan River between 12600 South and the Bangerter Highway to work together to assure that the land is preserved as open space.

S.B. 9 Property Rights Amendments (Sen. C.

Walker)

This bill modifies provisions relating to rights and procedures in eminent domain proceedings and other disputes between a property owner and a governmental entity.

This bill:

- ▶ requires those intending to acquire property by eminent domain to negotiate with and provide a specified written explanation to the property owner beforehand;
- ▶ imposes relocation assistance requirements on nongovernmental persons and entities acquiring property by eminent domain;
- ▶ changes a requirement that displacing agencies enact relocation assistance rules to an authorization to do so and requires those that do not enact rules to comply with Department of Transportation rules on relocation assistance;
- ▶ modifies notice requirements for redevelopment agencies intending to exercise eminent domain;
- ▶ provides that an appraisal obtained by a governmental entity is not a protected record if the governmental entity has initiated negotiations to acquire a single family residence before using eminent domain;
- ▶ exempts takings law actions from specified governmental immunity procedural requirements;
- ▶ changes the title of the private property ombudsman to the property rights ombudsman;
- ▶ imposes reasonable time and reasonable notice requirements on those entering land for examination, survey, and other purposes when the land is subject to being acquired by eminent domain; and
- ▶ prohibits a defendant in an eminent domain action from having to respond to a motion for immediate occupancy before the time for answering the complaint expires, unless the court so orders.

S.B. 10 Amendments to Local Referendum Process
(Sen. J. Hickman)

This bill modifies the local referendum provisions of the Election Code by modifying the time line for challenging a local law.

This bill:

- ▶ increases the number of days from 35 to 45 for filing a referendum petition challenging a local law.

S.B. 11 Guidelines for Local Matching Dollars for Transportation Projects *(Sen. C. Walker)*

This bill requires the Transportation Commission to make rules adopting guidelines for partnering with counties and municipalities to help finance state highway improvement projects through local matching dollars.

This bill:

- ▶ requires the Transportation Commission, in consultation with representatives of local government, to make rules adopting guidelines that encourage partnering, help finance projects, and provide for:
 - consideration of factors relevant to a decision to make program adjustments;
 - a process for submitting, evaluating, and hearing partnering proposals; and
 - maintenance of a public record of each proposal from initial submission to final disposition; and
- ▶ requires the Transportation Commission to submit the proposed rules and any proposed amendment to the rules to a committee or task force prior to taking final action on the rules or any amendment to the rules.

S.B. 13 Resort Communities Tax Amendments
(Sen. L. Hillyard)

This bill modifies the Resort Communities Tax part.

This bill:

- ▶ defines terms;
- ▶ requires a municipality to file with the State Tax Commission a form containing information regarding lodging capacity within the incorporated boundaries of the municipality;
- ▶ provides procedures and requirements for a municipality to file the form with the State Tax Commission;
- ▶ requires the State Tax Commission to provide written notice to a municipality if the municipality has a transient room capacity that is less than 66% of the municipality's permanent census population;
- ▶ provides procedures and requirements for the

- State Tax Commission to provide the written notice to a municipality;
- provides that a municipality that receives the written notice from the State Tax Commission may not impose a resort communities tax under certain circumstances; and
- makes technical changes.

S.B. 18 Municipal Annexation Provisions in First Class Counties (Sen. P. Arent)

This bill modifies provisions of the Utah Municipal Code relating to municipal annexations in counties of the first class.

This bill:

- requires proponents of a proposed annexation of an area in a county of the first class to file with the proposed annexing municipality a notice of intent to file an annexation petition;
- requires the county to mail notice of the proposed annexation to each owner of real property within the area proposed for annexation and within 300 feet of the area proposed for annexation for an annexation in a county of the first class;
- requires the person or persons who file a notice of intent to pay the cost of the county's mailing notice to property owners;
- requires each annexation petition proposing to annex an area in a first class county to include a notice to petition signers;
- authorizes a signer of an annexation petition in a first class county to withdraw the signer's signature; and
- makes technical changes.

S.B. 23 Amendments to Municipal Government (Sen. T. Hatch)

This bill modifies provisions of the Utah Municipal Code relating to municipal officers and employees.

This bill:

- modifies the officers and employees of a municipality to whom certain provisions relating to the duration of employment and appeals from employment decisions apply;
- modifies the composition of an appeal board for

- employment decisions;
- modifies the process for appealing an action or decision of the appeal board;
- expands circumstances covered by provisions relating to limitations on taking negative employment action;
- requires rather than permits the appeal board to provide that an employee receive back salary if the board finds in favor of the employee; and
- makes technical changes.

S.B. 50 Rural Planning and Development (Sen. T. Hatch)

This bill creates a number of entities to address rural planning and development issues on a statewide, coordinated basis.

This bill:

- creates an Office of Rural Development within the Department of Community and Economic Development to help foster and support economic development for the benefit of rural counties and communities;
- creates a Rural Development Legislative Liaison Committee to serve as liaison between rural economic development and planning groups and state entities and recommend legislation, when appropriate, on the economic and planning interests of rural Utah;
- creates a Governor's Rural Partnership Board to develop and prepare an annual strategic plan to address rural economic development, planning, and leadership training challenges, opportunities, priorities, and objectives; and
- creates a Rural Coordinating Committee to coordinate efforts and resources and help implement the strategic plan on rural economic development, planning, and leadership training.

S.B. 53 County and Municipal Zoning Regarding Billboards (Sen. M. Waddoups)

This bill modifies provisions relating to billboards and outdoor advertising structures.

This bill:

- modifies the county or municipal actions that constitute initiation of acquisition of a billboard by

- eminent domain;
- ▶ modifies the circumstances under which a county or municipality may remove a billboard without providing compensation;
- ▶ modifies the procedure a county or municipality must follow in order to be able to remove a billboard without providing compensation;
- ▶ requires counties and municipalities to allow billboards to be relocated under certain circumstances; and
- ▶ makes technical changes.

S.B. 55 *Governmental Immunity Act of Utah* (Sen. L. Blackham)

This bill enacts a new governmental immunity act.

This bill:

- ▶ defines the scope of liability and immunity of Utah's state and local governments and their employees;
- ▶ defines terms;
- ▶ establishes immunity from suit for injuries that result from the exercise of a government function;
- ▶ waives government immunity from suit for certain specific governmental functions and provides exceptions to certain of those waivers;
- ▶ establishes procedures for making claims against a government entity or employee when an alleged injury has occurred;
- ▶ establishes jurisdiction and venue requirements for actions against government entities and employees;
- ▶ defines certain procedures and requirements for legal actions brought under this chapter;
- ▶ establishes a process for submitting claims for payment to a government entity and authorizes certain options that government entities may use to pay claims;
- ▶ authorizes government entities to self-insure or purchase liability insurance for potential claims against the entity and establishes procedures and requirements for implementing those options;
- ▶ establishes limits on judgments against government entities or employees;
- ▶ addresses legal representation and settlement authority for claims against executive, legislative, and judicial entities and employees;
- ▶ establishes a process for defending employees

- generally when claims are asserted against them and defines the scope of that representation; and
- ▶ makes technical corrections.

S.B. 65 *County Classification Amendments* (Sen. L. Blackham)

This bill modifies provisions relating to county classifications.

This bill:

- ▶ changes the ranges of population that define counties of the third through sixth class.

S.B. 66 *Telecommunications Amendments* (Sen. J. Hickman)

This bill modifies the Municipal Cable Television and Public Telecommunications Service Act.

This bill:

- ▶ requires a municipality or an interlocal entity under certain circumstances to comply with specified provisions of the Municipal Cable Television and Public Telecommunications Service Act; and
- ▶ modifies certain bonding requirements in the Municipal Cable Television and Public Telecommunications Service Act.

S.B. 72 *Disposition of Fines for Registration Violations* (Sen. J. Hickman)

This bill modifies the Judicial Code by amending disposition of fines and fees provisions.

This bill:

- ▶ until July 1, 2007, requires district courts and justice courts to allocate 50% of the fine collected for a violation of the registration of vehicles after establishing residency provision to the state or local governmental entity which issued the citation to be used for law enforcement purposes and to allocate the remaining 50% of the fine as currently required.

S.B. 85 *Political Activities of Public Entities Amendments* (Sen. D. Thomas)

This bill modifies provisions of the Political Activities of Public Entities Act.

This bill:

- ▶ clarifies the definition of "public entity" and "public official"; and

- ▶ provides that public officials who violate the act are guilty of a class B misdemeanor.

S.B. 88 *Uniform Building Standards Act - Manufactured Housing Amendments* (Sen. L. Hillyard)

This bill amends the Occupations and Professions Code by amending installation standards for manufactured homes and creating penalties for violations.

This bill:

- ▶ requires general contractors who install manufactured homes to receive additional training;
- ▶ eliminates the current definition of "installation standard" for manufactured homes and requires the Division of Occupational and Professional Licensing to adopt a nationally recognized manufactured housing installation standard code;
- ▶ specifies the construction codes which the state and its political subdivisions shall follow;
- ▶ grants authority to the Division of Occupational and Professional Licensing to enforce manufactured housing installation standards and assess penalties for violations;
- ▶ adopts criminal penalties for violations of manufactured housing installation standards and assesses penalties for violations; and
- ▶ makes technical changes.

S.B. 91 *Emergency Medical Service Provider Amendments* (Sen. S. Jenkins)

This bill amends the definition of political subdivision in the Utah Emergency Medical Services System Act.

This bill:

- ▶ amends the definition of political subdivision in the Utah Emergency Medical Services System Act; and
- ▶ makes technical amendments.

S.B. 115 *Special Election Dates* (Sen. C. Bramble)

This bill modifies provisions related to special elections.

This bill:

- ▶ requires local and statewide special elections to be held on either the first Tuesday after the first

Monday in November or the fourth Tuesday in June; and

- ▶ makes technical changes.

S.B. 124 *Prohibition on Sales and Use Tax Incentive Payments by a County or Municipality* (Sen. S. Killpack)

This bill amends the Cities, Counties, and Local Taxing Units title.

This bill:

- ▶ creates the Prohibition on Sales and Use Tax Incentive Payments Act;
- ▶ defines terms;
- ▶ prohibits a county or municipality from making a sales and use tax incentive payment under an agreement entered into on or after July 1, 2004; and
- ▶ prohibits a county or municipality from entering into an agreement on or after July 1, 2004, to make a sales and use tax incentive payment.

S.B. 145 *County Surveyor Amendments* (Sen. C. Walker)

This bill modifies county surveyor provisions.

This bill:

- ▶ establishes criminal penalties for failure to file the map of a survey with the county surveyor within 90 days;
- ▶ provides a definition of land surveyor; and
- ▶ clarifies that a land surveyor's professional license may be revoked for specified failures.

S.B. 159 *Annexation of Public Land to Special and Local Districts* (Sen. M. Dmitrich)

This bill modifies provisions relating to annexation to a local district or certain special districts.

This bill:

- ▶ allows the owner of publicly owned land, except the federal government, to petition for annexation to a local district or certain special districts when all the land within the area proposed for annexation is publicly owned.

S.B. 163 *Property Tax - Confidentiality of Certain Information* (Sen. H. Stephenson)

This bill amends provisions of the Open and Public Meetings chapter and the Revenue and Taxation title relating to confidentiality of information.

This bill:

- ▶ amends and provides definitions;
- ▶ amends the purposes for which a meeting may be closed under the Open and Public Meetings chapter to include discussion by a county legislative body of commercial information;
- ▶ provides circumstances under which certain individuals may:
 - disclose information;
 - disclose commercial information; or
 - file a lien;
- ▶ modifies penalty provisions to provide that an officer or employee of the state or a county who violates the property tax confidentiality statute may only be dismissed from office and be disqualified from holding public office for a certain time period if that officer or employee is convicted of violating the property tax confidentiality statute;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

S.B. 170 Public Transit District Amendments (Sen. J. Evans)

This bill modifies the Special Districts Code and the Utah Public Transit District Act to amend provisions relating to transit districts serving a population of more than 200,000 people.

This bill:

- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its tentative budget and notice of the time and place for its budget hearing to each of its constituent entities 30 days prior to final adoption;
- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its annual audit report within 30 days after its presentation to the board;
- ▶ provides procedures for reapportioning representation on the board of trustees following a decennial census;
- ▶ provides board members for transit districts serving

a population of more than 200,000 people shall serve for two-year terms instead of three-year terms and for up to three consecutive terms instead of two consecutive terms;

- ▶ repeals a prohibition that an elected official may not serve on the board of trustees;
- ▶ allows board members to be recalled for any reason, not just for cause, and provides procedures for recalls and resignations of board members;
- ▶ requires the board to submit agendas, notices, and minutes of board meetings to each constituent entity within certain time frames;
- ▶ provides that a municipality or county is not prohibited from providing certain transportation services; and
- ▶ makes technical changes.

S.B. 183 Local Governments - Authority for Design-build Construction (Sen. H. Stephenson)

This bill modifies provisions relating to local government building improvement and public works projects.

This bill:

- ▶ adds certain design-build projects as a type of building improvement or public works project that is subject to certain requirements relating to plans and specifications, cost estimates, and bid procedures; and
- ▶ allows a local government entity, with respect to certain design-build projects, to award a bid to a responsible bidder that offers design-build services rather than to the lowest responsive responsible bidder.

S.B. 184 Interlocal Cooperation Act Amendments (Sen. G. Bell)

This bill modifies the Interlocal Cooperation Act.

This bill:

- ▶ authorizes public agencies that are parties to an interlocal cooperation agreement to:
 - restrict their authority to issue permits or assess fees; and
 - exempt each other from permit and fee requirements; and

- provides that those provisions are subject to all remedies provided by law and agreement.

S.B. 187 Water Conservancy Districts Trustees (Sen. H. Stephenson)

This bill modifies Special Districts provisions relating to boards of trustees of water conservancy districts.

This bill:

- provides that for purposes of the selection of water conservancy district board of trustees nominees, a city located in multiple counties shall be considered to be in a single county.

S.B. 204 Redevelopment Agency Changes (Sen. D. Thomas)

This bill modifies the Redevelopment Agencies Act to address the combined incremental value.

This bill:

- modifies the definition of "combined incremental value" to exclude areas located within a federal military installation ordered closed by the Defense Base Realignment and Closure Commission; and
- makes technical changes.

S.B. 215 County Powers Amendments (Sen. D. Gladwell)

This bill modifies a provision relating to the powers of counties.

This bill:

- clarifies that a county's acquisition of real property by condemnation is as provided in general eminent domain statutory provisions;
- modifies a provision limiting how a provision regarding a county's condemnation authority may be construed; and
- provides that water rights that are not appurtenant to land are not real property subject to condemnation by a county.

Bill Vetoed by the Governor:

H.B. 158 Water Shares in a Municipal Water Company (Rep. G. Hughes)

This bill modifies the definition of a water corporation for purposes of the Public Utilities Code.

This bill:

- provides that a mutual water company in a county of the first class is not a water corporation for purposes of the Public Utilities Code if the mutual water company operates:
 - under a commonality of interest; and
 - with equal ownership and control rights among all members.